

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

AGA MEDICAL CORPORATION,)
)
 Plaintiff,) Civil 10-3734 (JNE/JSM)
)
 v.) GORE'S MOTION FOR
) SUMMARY JUDGMENT
)
 W. L. GORE & ASSOCIATES, INC.,)
)
 Defendant.)
)
)

Defendant, W. L. Gore & Associates, Inc. ("Gore") hereby moves the Court pursuant to Federal Rule of Civil Procedure 56 for summary judgment on the following grounds:

1. Summary judgment of noninfringement of claims 23 and 30 of U.S. Patent No. 5,944,738 ("the '738 patent");
2. Summary judgment of invalidity of claims 23 and 30 of the '738 patent for lack of written description under 35 U.S.C. § 112(a);
3. Summary judgment of invalidity of claims 23 and 30 of the '738 patent for anticipation under 35 U.S.C. § 102(e).

This motion is based on the files, records, and proceedings herein, including this Motion; Gore's Notice of Hearing on Motion; Gore's Memorandum in Support of its Motion for Summary Judgment; the Declaration of Katherine S. Razavi and accompanying exhibits; as well as an anticipated reply brief to be filed at a later date; the

argument of counsel at hearing; and all submissions and proceedings in this case. A proposed order granting this Motion will be emailed to the Court's chambers.

Dated: April 10, 2013

W.L. GORE & ASSOCIATES, INC.

/s/ Katherine S. Razavi

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